

AMENDMENTS TO THE DRAWINGS

Please replace the drawing sheet showing Fig. 2 with the attached Replacement Sheet revising Fig. 2.

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REMARKS

Claims 2-6, 9-14 and 19-21 are pending in this application. Claim 2 is the sole independent claim. By this Amendment, independent claim 2 is amended. Claims 7 and 8 are cancelled without prejudice or disclaimer. Support for the amendments may be found at least at Figs. 2, 3A and 3B and the accompanying descriptive text. Thus, no new matter is added.

Drawings

The drawings are objected to under 37 CFR 1.83(a) for allegedly failing to show “the vertices of the sealing projections abutting against the electrolyte layer” of claims 9 and 19. Fig. 2 is amended as indicated in the Office Action. Therefore, withdrawal of the objection to the drawings is requested.

Specification

The title of the invention is alleged to not be descriptive. The title is amended to be more descriptive.

The specification is objected to due to an informality. The specification is amended to address the objection. As such, withdrawal of the objection is requested.

Rejections Under 35 U.S.C. §112

Claims 2-14 and 19-21 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is respectfully traversed.

Independent claim 2 is amended in a manner believed to overcome the rejections. Specifically, the claim is amended to clarify the meaning of “assembled condition” and to clarify the structure of the claimed device. Thus, withdrawal of the rejections is requested.

Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As independent claim 2 is amended to include the allowable subject matter of claim 8, the remaining pending claims are in condition for allowance.

Rejections Under 35 U.S.C. §102

Claims 2, 4, and 5 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,040,076 to Reeder ("Reeder"). This rejection is respectfully traversed. Independent claim 2 is amended to include the allowable subject matter of claim 8 (and intervening claim 7). Therefore, Reeder fails to disclose or suggest each of the claim features. As such, withdrawal of the rejection is requested.

Rejections Under 35 U.S.C. §103

Claims 3, 6, and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Reeder as applied to claim 2 above. This rejection is respectfully traversed.

Claims 3, 6, and 10 are allowable for their dependency on independent claim 2 for the reasons discussed above, as well as for the additional features recited therein. As such, withdrawal of the rejection is requested.

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Reeder as applied to claim 2 above, in view of U.S. Patent 6,165,634 to Krasij et al. ("Krasij") and U.S. Patent 5,232,792 to Reznikov ("Reznikov"). As claim 7 is cancelled, the rejection is moot.

Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Reeder as applied to claim 2 above and further in view of Reznikov. This rejection is respectfully traversed.

Claim 9 is allowable for its dependency on independent claim 2 for the reasons discussed above, as well as for the additional features recited therein. As such, withdrawal of the rejection is requested.

Claims 11-14 and 19-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Reeder as applied to claim 2 above, in view of JP 2003-297383 to Miyagawa ("Miyagawa"). This rejection is respectfully traversed.

Claims 11-14 and 19-21 are allowable for their dependency on independent claim 2 for the reasons discussed above, as well as for the additional features recited therein. As such, withdrawal of the rejection is requested.

Double Patenting Rejection

Claims 2, 5, 11, 12, 14, 20 and 21 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 2, 3, and 5 of co-pending U.S. Patent Application no. 10/582,269.

As discussed above, independent claim 2 is amended to include the allowable subject matter of claim 8 (and intervening claim 7). Thus, the pending claims recite subject matter that is structurally different from that of the co-pending U.S. patent application. As such, the rejection should be withdrawn.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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